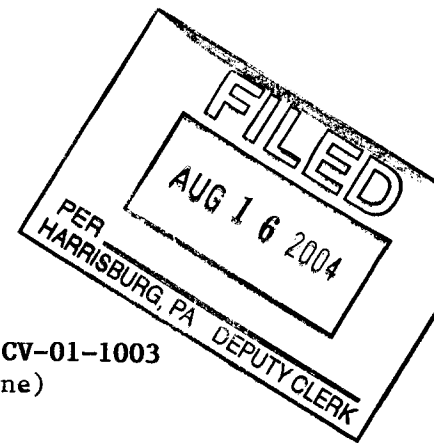


UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA



ALLEN MORSLEY,

Petitioner,

CIVIL NO.1:CV-01-1003
(Judge Kane)

V.

DONALD ROMINE,

Respondent,

MOTION FOR LEAVE TO FILE MEMORADUM TO 60(b) MOTION OUT OF TIME

NOW COMES , ALLEN MORSLEY (Hereinafter "Petitioner") appearing **Pro se**, In the above captioned matter , and hereby respectfully Moves this Honorable Court ' By Motion , For leave to file [m]emorandum of law for 60(b) , Motion Out of time . As the Petitioner has / and continues to Request assistance of **[A]ppointed Counsel** .

The Petitioner Avers The Following :

- #1. The Petitioner has (2) Appeals Pending before the Third Circuit Court of Appeals .
- #2. The Petitioners Arguments In 60 (b) Motion would be considered **Complex[e]** For an attorney practiced in Law .
- #3. The Petitioner intends to " Show " tha there has been Fraud Committed upon The Court .

As This Honorable Judge Has **denied** motion for appointment of counsel when she was assured that the petitioner would not be [p]rejudiced for lack of counsel , th[e] Petitioner herein asserts that without leave to file said motion , The petition- would be **prejudiced** at this juncture .

CONCLUSION

Wherefore the Petitioner Respectfully Prays that this Honorable Judge Does Appoint Counsel / And Moreover Grant Motion For Leave to File **60 (b)** Memorandum Of law Out Of Time. (note) (Petitioners Ineffective Assistance Claim Covers (3)Three Different Attorneys. Coupled with petitioners **"ACTUAL INNOCENCE CLAIMS "** The Interest Of Justice Demands that the petitioner be given and opportunity to be Meaningfully Heard .

RESPECTFULLY SUBMITTED THIS 11th DAY OF AUG 2004

MR . ALLEN MORSLEY # 14718056

Mr Allen Morsley

CERTIFICATE OF SERVICE

I ALLEN MORSLEY , UNDER THE PENALTY OF PERJURY , HEREBY CERTIFY THAT I HAVE PLACED A COPY OF SAID MOTION IN THE MAIL BOX ON THIS 11th DAY OF AUG 2004 TO COUNSEL FOR THE RESPONDENT WITH PRE-PAID POSTAGE. OF THIS DO I AFFIX MY HAND THIS 11 DAY OF Aug 2004 .

Mr Allen Morsley